

REMARKS

Claims 1-44 are pending in the present Application, and all claims currently stand rejected. Accordingly, claims 1, 6, 9, 11, 12, 21, 26, 29, 31, 32, 41, 42, and 44 are amended herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §101

On page 2 of the Office Action, the Examiner indicates that claims 1-20 are rejected “because the claimed invention is directed to non-statutory subject matter.” The Examiner further states that “[i]f the applicant intended to claim an apparatus rather than a CRM, the examiner suggests modifying the claim language accordingly.” In response to the Examiner’s suggestion, Applicants herein amend claim 1 to recite “*a system for efficiently performing a pattern matching procedure using an electronic apparatus.*” Applicants therefore submit that amended claim 1 does not perform the invention “in the absence of any hardware devices,” as originally stated by the Examiner. In view of the foregoing remarks and amendments, Applicants believe that the Examiner’s rejections are addressed, and respectfully request that the rejections under 35 U.S.C. §101 be withdrawn so that claims 1-20 may issue in a timely manner.

35 U.S.C. § 102(b)

On page 5 of the Office Action, the Examiner rejects claims 1, 6, 9, 12, 21, 26, 29, 32, 41, 42, and 44 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,703,970 to Atashroo (hereafter Atashroo). The Applicants respectfully traverse these rejections for at least the following reasons.

“For a prior art reference to anticipate in terms of 35 U.S.C. §102, every element of the claimed invention must be *identically* shown in a single reference.” *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Atashroo fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner’s rejection of independent claims 1, 21, 41, 42, and 44, Applicants respond to the Examiner’s §102 rejections as if applied to amended independent claims 1, 21, 41, 42, and 44 which now recite “*said image conversion procedure including a binarization procedure and a symmetrical reduction procedure,*” which are limitations that are not taught or suggested either by the cited reference, or by the Examiner’s citations thereto.

Atashroo teaches a basic technique for computing correlating images by utilizing a sequence of one-dimensional FFTs (see column 3, lines 24-63). However, Applicants submit that Atashroo nowhere teaches utilizing any type of “binarization procedure” in conjunction with the correlating images. In particular, Applicants submit that Atashroo fails to disclose utilizing a “binarization procedure” in conjunction with a “symmetrical reduction procedure,” as claimed by Applicants. For at least these reasons, Applicants

request reconsideration and withdrawal of the rejections of claims 1, 21, 41, 42, and 44.

With further regard to claim 42, “means-plus-function” language is utilized to recite elements and functionality similar to those recited in claims 1 and 21, as discussed above. Applicants therefore incorporate those remarks by reference with regard to claim 42. In addition, the Courts have frequently held that “means-plus-function” language, such as that of claim 42, should be construed in light of the Specification. More specifically, means-plus-function claim elements should be *construed to cover the corresponding structure, material or acts described in the specification*, and equivalents thereof. Applicants respectfully submit that, in light of the substantial differences between the teachings of Atashroo and Applicants’ invention as disclosed in the Specification, claim 42 is therefore not anticipated or made obvious by the teachings of Atashroo.

Regarding the Examiner’s rejection of dependent claims 6, 9, 12, 26, 29, and 32, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of dependent claims 6, 9, 12, 26, 29, and 32, so that these claims may issue in a timely manner.

With further regard to dependent claims 6, 9, 12, 26, 29, and 32, Applicants have herein amended each of these claims to recite “a single Fast

Fourier Transform procedure” (emphasis added) to differentiate Applicants’ claimed invention from the process described in Atashroo. As described above, Atashroo teaches utilizing a sequence of one-dimensional FFTs. In particular, Atashroo utilizes a “first step (FIG. 3(b)) in which a real one-dimensional N-point FFT is used” and then utilizes a “second step” in which “a one-dimensional M-point FFT is used” (see column 4, lines 52-60). For at least these reasons, Applicants submit that Atashroo fails to anticipate Applicants claims 6, 9, 12, 26, 29, and 32.

Because a rejection under 35 U.S.C. §102 requires that each claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Atashroo to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of claims 1, 6, 9, 12, 21, 26, 29, 32, 41, 42, and 44, so that these claims may issue in a timely manner.

35 U.S.C. § 103

On page 8 of the Office Action, the Examiner rejects claims 2, 3, 22, and 23 under 35 U.S.C. § 103(a) as being unpatentable over Atashroo in view of U.S. Patent Publication No. US 2004/0215615 A1 to Larsson et al. (hereafter Larsson). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations" (emphasis added).

The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 2, 3, 22, and 23, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 2, 3, 22, and 23 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 2, 3, 22, and 23 under 35 U.S.C. § 103.

On page 9 of the Office Action, the Examiner rejects claims 7 and 27 under 35 U.S.C. § 103 as being unpatentable over Atashroo in view of “A State Of The Art SIMD Two-Dimensional FFT Array Processor” by Yasrebi et al. (hereafter Yasrebi). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 7 and 27, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

On page 10 of the Office Action, the Examiner concedes that “Atashroo does not teach that said correlation pixel values being obtained from a multiplication lookup table” Applicants concur. The Examiner then points to page 22 of Yasrebi to purportedly remedy these deficiencies in Atashroo. Applicants traverse.

The Examiner quotes the Yasrebi reference stating that “the results on the different moduli can be stored in look-up tables.” Applicants submit that their claimed “pixel values” are entirely different than the “moduli” mentioned in Yasrebi. The Examiner also states that using lookup tables “is extremely well known in the field of computer programming.” Applicants respectfully submit that if lookup tables have been known in the corresponding art for quite some time, then their unique solution of utilizing a “*multiplication lookup table*” to efficiently perform their claimed “*multiplication procedure*” indicates the clear existence of secondary indicia of non-obviousness. For example, there apparently has been a long-felt need for Applicants’ solution in the relevant technological field. Furthermore, other entities and individuals in analogous arts have apparently failed to successfully overcome the foregoing problems in the manner disclosed by Applicants.

For at least the foregoing reasons, the Applicants submit that claims 7 and 27 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 7 and 27 under 35 U.S.C. § 103.

On page 10 of the Office Action, the Examiner rejects claims 4, 5, 10, 11, 13-16, 24, 25, 30, 31, and 33-36 under 35 U.S.C. § 103 as being unpatentable over Atashroo in view of “Quad-Phase-Only Filter Implementation” by Hansche et

al. (hereafter Hansche). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 4, 5, 10, 11, 13-16, 24, 25, 30, 31, and 33-36, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

With further regard to the rejections of claims 4 and 24, on page 11 of the Office Action, the Examiner concedes that "Atashroo does not teach a first binarization step. . . ." Applicants concur. The Examiner then points to column 1 of Hansche to purportedly remedy these deficiencies in Atashroo. Applicants respectfully traverse. The Examiner cites an equation 1 of the Hansche reference against Applicants' claimed limitations regarding the "*first binarization step*" that substitutes a "decimal value of "1" or "a decimal value of "-1" for certain complex coefficients. Applicants submit that the cited equation 1 from Hansche nowhere discloses any sort of substitution technique that is part of a "first binarization

step,” as claimed by Applicants. For at least these reasons, Applicants therefore request reconsideration and withdrawal of the rejections of claims 4 and 24.

In the rejections of claims 5 and 25, the Examiner concedes that Atashroo and Hansche fail to “explicitly teach a second binarization step” Applicants concur. Then, without providing any further references to support these rejections, the Examiner takes Official Notice, and concludes that “[i]t would have been obvious” Applicants respectfully traverse. Applicants submit that the particular combination of claimed limitations would not be obvious to one skilled in the art at the time of the invention. Applicants further submit that the Examiner has improperly utilized Official Notice because the cited limitations are uniquely utilized by the Applicants to produce novel combinations that are not well-known or predictable. Applicants therefore respectfully request the Examiner to cite specific references in support of these rejections, and failing to do so, to reconsider and withdraw the rejections of claims 5 and 25, so that the present Application may issue in a timely manner.

On page 13, the Examiner cites the same arguments made with respect to the rejections of claims 4 and 5 against Applicants claimed “two-step binarization procedure” as recited in claims 10, 13, 30, and 33. Applicants therefore incorporate by reference their foregoing arguments made above with respect to claims 4 and 5. In particular, Applicants submit that none of the cited references discloses a “two-step binarization procedure.”

With respect to the rejections of claim 11 and 31, Applicants submit that none of the cited references teach a “*symmetrical reduction procedure*” that is

performed “*upon said binarized reference image*” (emphasis added), as claimed by Applicants. Furthermore, Atashroo teaches reducing the size of the image array as an integrated part of the two-step FFT process (see column 4, lines 45-64). In contrast, Applicants disclose and claim a “*discrete symmetrical reduction procedure*” (emphasis added) that is performed as a distinct and separate step, as recited in claims 11 and 31.

For at least the foregoing reasons, the Applicants submit that claims 4, 5, 10, 11, 13-16, 24, 25, 30, 31, and 33-36 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 4, 5, 10, 11, 13-16, 24, 25, 30, 31, and 33-36 under 35 U.S.C. § 103.

On page 15 of the Office Action, the Examiner rejects claims 8, 17, 18, 28, 37, and 38 under 35 U.S.C. § 103 as being unpatentable over Atashroo in view of Hansche and Yasrebi. The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 8, 17, 18, 28, 37, and 38, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

With further regard to the rejections of claim 8 and 28, the Examiner concedes that "the combination does not describe an actual combination commensurate with the requirements of claim 8." Applicants concur. Then, without providing any further references to support these rejections, the Examiner concludes that "the construction and implementation of the lookup table in claim 8 would have been obvious would have been obvious to one skilled in the art." The Examiner is apparently utilizing Official Notice without expressly stating so.

Applicants submit that the particular combination of claimed limitations would not be obvious to one skilled in the art at the time of the invention. Applicants further submit that the Examiner has improperly utilized Official Notice because the cited limitations are uniquely utilized by the Applicants to produce novel combinations that are not well-known or predictable. Applicants therefore respectfully request the Examiner to cite specific references in support of these rejections, and failing to do so, to reconsider and withdraw the rejections of claims 8 and 28, so that the present Application may issue in a timely manner.

For at least the foregoing reasons, the Applicants submit that claims 8, 17, 18, 28, 37, and 38 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 8, 17, 18, 28, 37, and 38 under 35 U.S.C. § 103.

On page 18 of the Office Action, the Examiner rejects claims 19, 20, 39, 40, and 43 under 35 U.S.C. § 103 as being unpatentable over Atashroo and Hansche in view of U.S. Patent Publication No. 2005/0018925 to Bhagavatula et al. (hereafter Bhagavatula). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 19, 20, 39, 40, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

With further regard to the rejections of claims 19 and 38, the Examiner cites page 11, paragraph 121 of Bhagavatula against Applicants' claimed "FFT shift procedure to generate a correlation graph." Applicants respectfully traverse. In particular, Applicants submit that paragraph 121 of Bhagavatula nowhere teaches an "*FFT shift procedure*" (emphasis added), as claimed by Applicants. Furthermore, Applicants submit that paragraph 121 of Bhagavatula nowhere teaches a shift procedure "*to generate a correlation graph,*" as recited by Applicants. For at least the foregoing reasons, Applicants therefore request the Examiner to reconsider and withdraw the rejections of claims 19 and 39.

With regard to the rejection of claim 43, the Examiner cites the same arguments made with respect to the rejections of claims 4 and 5 against Applicants claimed "binarization procedure" as recited in claim 43. Applicants therefore incorporate by reference their foregoing arguments made above with respect to claims 4 and 5. In particular, Applicants submit that none of the cited references discloses a "binarization procedure."

For at least the foregoing reasons, the Applicants submit that claims 19, 20, 39, 40, and 43 not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 19, 20, 39, 40, and 43 under 35 U.S.C. § 103.

Summary

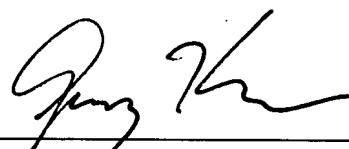
Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections under 35 U.S.C. §101, 35 U.S.C. §102(b), and 35 U.S.C. §103(a). Because the cited references, or the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-44, so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: _____

11/5/07

By: _____



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